

PART FOUR: DEVELOPMENT REGULATIONS

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PART FOUR: DEVELOPMENT REGULATIONS

GENERAL PROVISIONS

4000 TITLE AND PURPOSE OF THE DEVELOPMENT REGULATIONS.

The provisions of Section 4000 through 4999, inclusive, shall be known as the Development Regulations. The purpose of these provisions is to specify the nature, components, and use of the development regulations and to establish regulations regarding the physical character and intensity of development.

4005 REQUIRED DEVELOPMENT REGULATIONS.

Development Regulations shall be required for every zone within San Diego County. Such Development Regulations shall be represented by Development Designators which, together with a Use Designator, as specified in Section 2000 through Section 2999, inclusive; an Animal Designator, as specified in Section 3000 through 3999, inclusive; and any Special Area Designator, as specified in Section 5000 through Section 5999, inclusive; shall describe a zone which conveys regulations of uses, buildings and other structures within San Diego County.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

4006 REPRESENTATION OF THE DEVELOPMENT REGULATIONS.

The Development Regulations shall be represented by 9 designators arrayed in the following order:

- a. Maximum Density ("Density").
- b. Minimum Lot Size ("Lot Size").
- c. Permitted Building Type ("Building Type").
- d. Maximum Floor Area of Individual Building ("Maximum Floor-Area").
- e. Maximum Floor-Area Ratio ("F A R").
- f. Maximum Building Height ("Height").
- g. Maximum Lot Coverage ("Coverage").

4006

- h. Minimum Setback ("Setback").
- i. Minimum Usable Open Space ("Usable Open Space").

4007 **LIMITATION ON SELECTION OF DEVELOPMENT DESIGNATORS.**
Development Designators shall be limited to those specified within the schedules at Sections 4310, 4610, 4810, and 4910, or otherwise restricted by Sections 4110, 4210, 4410, 4510, and 4710 of the Development Regulations. Alterations to schedules or other regulations shall be made pursuant to the conditions and subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

4008 **DEVELOPMENT DESIGNATORS.**
All applications of the Development Regulations shall contain designators appropriate and auxiliary to the zone's Use Designator. When a designator is not included for the Development Regulations, a dash ("-") shall occupy the location normally occupied by the designator. The meaning of a dash ("-") shall be as specified in the appropriate regulations for each designator. Where a blank space has been used it shall have the same meaning as a dash. Designators shall be included for Development Regulations in accordance with the following table.

<u>Zones</u>	<u>Designators</u>								
	<u>Den- sity</u>	<u>Lot Size</u>	<u>Build- ing Type</u>	<u>Maximum Floor Area</u>	<u>F. A. R.</u>	<u>Height</u>	<u>Cover- age</u>	<u>Set- back</u>	<u>Usable Open Space</u>
Residential	R	R	R	0	0	R	0	R	I
Commercial	0	0	R	0	0	R	0	R	I
Mfg/ Industrial	X	0	R	0	0	R	0	R	X
Agricultural	0	R	R	0	0	R	0	R	I
Special Use	0	0	0	0	0	0	0	0	I

Key

- R = Required. Designator shall always be included within the Development Regulations except that the lot size designator is optional when zone contains "P" designator under Special Area Regulations.
- 0 = Optional. Designator may be included within the Development Regulations when deemed appropriate.

X = Prohibited. Designator shall not be included within the Development Regulations.

I = Designator shall be included within the Development Regulations when the multi-dwelling residential building type or the attached three to eight dwelling units residential building type is or may be permitted within the zone. (Refer to building type designator).

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4009 MODIFICATION OF DEVELOPMENT REGULATIONS.

Modification of regulations specified within the Development Regulations may be approved under the provisions of the Planned Development Standards commencing at Section 6600. Changes of designators specified within the Development Regulations shall be subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

4010 SPECIFIC PLANS

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Development Regulations in this part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

DENSITY REGULATIONS

4100 TITLE AND PURPOSE.

The provisions of Section 4100 through Section 4199, inclusive, shall be known as the Density Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and its associated Community and Specific Plans, and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively. A dash ("-") shall indicate that no dwelling units are allowed. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4110 DENSITY REGULATIONS.

- a. Specification of Density. Maximum residential densities expressed in dwelling units per net residential acre shall be established to regulate the density of residential development and any such density may be specified within the Development Regulations. The adopted San Diego County General Plan shall serve to guide the specification of residential density.
- b. Density Designator. In no case shall a density greater than 43 dwelling units per net residential acre be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6478 (N.S.) adopted 12-1-82)

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The use of a dash ("-") as a density designator shall indicate that no dwelling unit is allowed as a principal or secondary use. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4116 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS WHEN DISCRETIONARY REVIEW IS REQUIRED AND PORTION OF SITE WILL BE REQUIRED FOR STREET RIGHT-OF-WAY.

The maximum number of dwelling units permitted within the exterior boundary lines of property which is subject to approval of a Site Plan or Administrative Permit shall be computed as in Section 4115 except that:

- a. The Director shall obtain a recommendation for necessary street right-of-way requirements from the Department of Public Works; and
- b. Any street right-of-way which would be required by the Department of Public Works in order to obtain a building permit for the subject property shall be deducted in making the above calculations for net lot area.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

4120 EXCEPTIONS TO DENSITY REGULATIONS.

The following are exceptions to the Density Regulations:

- a. Repealed.

(Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)

- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are subject to the following Density Regulations.

1. Privately initiated housing for five or more farmworkers and their families may be approved by Minor Use Permit as follows:
 - i. Parcels 4 acres or less in size: A total of two family residential living units or group residential facilities for not more than 12 farmworkers.
 - ii. Parcels greater than 4 acres in size: A total of three family residential living units or group residential facilities for not more than 18 farmworkers.
2. Privately initiated housing for five or more farmworkers and their families may be approved by minor use permit at densities of up to eight family residential living units or group residential facilities for not more than 48 farmworkers per acre on condition that the property owner enters into a contract with the County agreeing to the following:
 - i. Specific rental terms and conditions which make low cost housing available to farm employees, and
 - ii. Bi-annual inspections of the housing by County employees.
- c. Mobilehome Projects. A Major Use Permit for a mobilehome project may be granted to allow a density of not more than 8 dwelling units per acre when the Planning Commission or the Board of Supervisors finds that the project complies with Policy 3.8 of the Land Use Element of the General Plan.
- d. Affordable Housing Projects for Low-Income, Very Low-Income and Senior Households. A Major Use Permit may allow an increase of density in excess of the normally permitted density for projects that reserve units for low-income, very low-income households and senior housing. A permit may be approved in accordance with the following:
 1. Housing pursuant to Board Policy I-79: Projects proposed for occupancy by low-moderate- income elderly households shall be in accordance with Board of Supervisors Policy I-79. For projects located in multiple residential areas as defined in Board Policy I-79 a maximum density of up to forty-five (45) dwelling units per acre may be authorized by Major Use Permit pursuant to the procedures at Section 7350 and following.
 - i. ADDITIONAL FINDINGS REQUIRED FOR INCREASED DENSITY PURSUANT TO BOARD POLICY I-79:

Prior to granting any permit for increased density pursuant to this Subsection (d), the approving authority after considering a recommendation from County Housing and Community Development shall find that:
 - The increased density is commensurate with the social benefit received in terms of the affordability of the rents and increased supply of affordable housing, and
 - The project does not create an undue concentration of lower income households.

2. Density Bonus for Low-Income, Very Low Income and Seniors: Projects proposed for occupancy by persons and families of low-income, very low-income or projects for senior citizens per Section 65915 of the Government Code (State Density Bonus Law) shall be in accordance with these provisions. A twenty-five (25) percent density bonus and an additional incentive or incentives may be authorized by Major Use Permit pursuant to the procedures at Section 7350 and following.

An additional incentive or incentives may be granted in addition to the 25 percent density bonus when a percentage of the total units are developed and reserved for very low and low-income households and qualifying senior citizens. All such developments must meet one or more of the following minimum criteria:

- At least 20 percent of the total units allowed by the maximum permitted density is at affordable housing costs for and reserved for low-income households for the prescribed duration; or
- At least 10 percent of the total units allowed by the maximum permitted density is at affordable housing costs for and reserved for very low-income households for the prescribed duration; or
- At least 50 percent of the total units allowed by the maximum permitted density is designated for and reserved for senior households.

To be eligible for a density bonus or residential incentives, the developer must sign a binding agreement with the County Department of Housing and Community Development (HCD) that sets forth the conditions and guidelines to be met in the implementation of the density bonus law requirements and/or any other applicable requirements. The agreement will also establish specific compliance standards and remedies available to the County upon failure by the developer to restrict units to target households for the prescribed time period. Applicants seeking a waiver or modification of development or zoning standards must show to the satisfaction of County HCD and Planning and Land Use (DPLU) that such waiver or modification is necessary to make the development economically feasible.

A portion of the units constructed pursuant to this density bonus subsection (d) shall be reserved for qualifying low or very low income households or to senior citizens in perpetuity. Affordability will be defined by County HCD, or its designee, in accordance with applicable federal, state or local policies and programs. The definition of affordability may be adjusted periodically to reflect changes in the housing market. County HCD shall review all proposals for density bonuses to determine whether they meet the goals of the most current adopted Consolidated Plan.

NOTE DEFINITIONS: Low or Very Low Income or Senior Housing

Very Low Income = at or below 50% of the San Diego regional median income, as defined by the U.S. Department of Housing and Urban Development (HUD).
 Low Income = at or below 80% of the San Diego regional median income, as defined by HUD.

Senior Citizen = 62 years of age or older; or 55 years of age or older in a senior citizen housing development. (For remainder of definition see Code of Federal Regulations Part 812.2C, and Section 51 of the California Civil Code.)

Size of Project:

The density bonus shall apply only to housing developments proposing five or more (pre-bonus) dwelling units.

i. DENSITY BONUS HOUSING AGREEMENT

The Density Bonus Housing Agreement shall include at least the following:

- The total number of units approved for the Housing Development, including number of Target Units.
- A description of the household income group to be accommodated and the standards for determining the corresponding Affordable Rent or Affordable Sale Price and Housing Cost.
- Tenure of use restrictions for Target Units.
- A description of the Additional Incentive(s) or Equivalent Financial Incentive being provided.
- A description of remedies for breach of the agreement by either party.

Conditions of Approval:

- Prior to the issuance of any permit (grading, building), a project receiving a density bonus will be conditioned upon the developer contractually agreeing to reserve 10 percent of the pre-bonus dwelling unit yield for very low-income households, or 20 percent of said yield for low-income households or 50 percent of the total dwelling units of a housing development for senior households. This contractual agreement with the County, or other entity acceptable to the County, shall be to the satisfaction of County HCD. The Agreement shall be recorded as a restriction on the parcel or parcels for which reserved units will be constructed.
- The reserved affordable or senior citizen units provided in this program shall be reserved in perpetuity. The developer shall advertise and otherwise attempt to notify qualified very low and low-income households and senior citizens of the availability of the reserved units.
- The developer, pursuant to the contractual agreement, will be responsible for assuring that the reserved units are occupied by qualified very low or low income households or senior citizens.

- All reserved units made available under this program shall be designed to be in keeping with the design of the other units in the project.

Units obtained by the density bonus may be permitted in areas within the housing development other than where reserved units are located.

- The reserved units (Target Units) shall be rented concurrent with, or in advance of, the market rate units.
- Units reserved for very low and low income shall be distributed throughout the project, so as to not create a concentration of reserved units in one area of the project. This requirement shall not apply to the units reserved for senior households.

EXAMPLE OF OPTIONS AVAILABLE FOR A DENSITY BONUS PROJECT

<u>Description</u>	<u>Without Bonus</u>	<u>With 25% Density Bonus</u>		
		Low Income	Very Low Income	Seniors
Property Size	20 acres	20 acres	20 acres	20 acres
Density	7.3 du/ac	9.13 du/ac*	9.13 du/ac*	9.13 du/ac*
Total Units	146	183	183	183
Reserved Units	0	29 (146x.20)	15(146x.10)	92(183x.50)
Market Rate Units	146	154	168	183

*(7.3 du/ac x 25% = 1.825)

*(1.825 + 7.3 du/ac = 9.13 du/acre)

ii. ADDITIONAL DEVELOPMENT INCENTIVES AND TERMS OF RESERVATION:

The County may also grant at least one additional incentive subject to receiving written evidence from the applicant substantiating that the incentive(s) is/are required for economic feasibility of the development in accordance with Government Code 65915(e).

However, the County may make written findings that additional concessions are not necessary to make the housing development economically feasible and are not necessary to accommodate a Density Bonus for the project to be affordable to very low- or low-income households or senior households.

The need for incentives will vary for different housing developments. Therefore, the allocation of additional incentives shall be determined on a case-by-case basis.

The additional incentive(s) are the following:

- (1) Allow an additional story over a portion of the project provided the portion of the project with the additional story is centrally located in the project site, does not exceed the height in feet specified by the zoning, and is at least 25 feet from any required yard setback line.
- (2) Reduction in unit size:

Development occurring in a multi-family zone may have target unit size reduced by up to 25 percent.
- (3) Reduction or replacement of internal amenities if replacement amenities are of comparable or greater durability.
- (4) Government-assisted financing, including, but not limited to loans, mortgage revenue bonds issued by the County, low interest financing for on- or off-site improvements, land or construction costs.
- (5) Priority project processing.

iii. APPLICATION REQUIREMENTS AND REVIEW

Preliminary Application

An applicant/developer proposing a housing development pursuant to this requirement shall submit a preliminary application prior to the submittal of any formal request for approval of a housing development. Applicants are encouraged to schedule a pre-application conference with both the Planning and Land Use Department and Department of Housing and Community Development to discuss and identify potential application issues. A preliminary application shall include the following information:

A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed.

The Zoning and General Plan designations and Assessor's Parcel Number(s) of the project site.

A vicinity map and preliminary plot plan, drawn to scale, including building footprints, driveways and parking layout.

Also to provide an early indication of the suitability of the site, a factually-based discussion of whether the proposal would result in an increase of lower income households in a neighborhood that already has a high number of lower income households.

If an incentive(s) is requested, the application shall describe and provide an analysis of why the incentive(s) is necessary.

Applicants seeking to use an additional incentive from the list of incentives shall show that such waivers or modifications are necessary to make the housing development economically feasible in accordance with Government Code Section 65915(e).

Within 90 days of receipt of the preliminary application, the County shall provide to an applicant, a letter that identifies project issues and concerns and describes the process for project review.

- iv. Mobilehomes: It is the intent that the density bonus and additional incentives be available to developers of planned mobilehome developments under the same conditions as outlined for conventional housing projects (e.g., the reservation of 10 percent of the units for very low-income households, 20 percent for low-income households, or 50 percent for senior citizens).
- v. FINDINGS FOR DISAPPROVAL OF A PROJECT. A housing development pursuant to this section shall not be disapproved unless one of the following findings can be made.
 - (1) A Housing Element has been adopted and the development project is not needed to meet the County's share of the regional housing need of low income or very low income housing.
 - (2) The development project as proposed would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse (significant unavoidable) impact without rendering the development unaffordable to low and very low, income households.
 - (3) The denial of the project or imposition of conditions is required in order to comply with specific State or Federal law, and there is no feasible method to comply without rendering the development unaffordable to low and very low income households.
 - (4) Approval of the development project would increase the concentration of lower income households in a neighborhood that already has a disproportionately high number of lower income households and there is no feasible method of approving the development at a different site, including those sites identified pursuant to Paragraph (1) of Subdivision (c) of Government Code Section 65583, without rendering the development unaffordable to low and very low income households.
 - (5) The development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes; or the project does not have adequate water or waste water facilities to serve the project.

- (6) The development project is inconsistent with the general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the County has an adopted Housing Element.
- e. Lower Income Family Housing. A Major Use Permit may be granted in areas permitted by the General Plan, to allow a density of not more than 20 dwelling units per acre provided that:
 - 1. Occupancy of all dwelling units on the lot or building site is limited to lower income families as defined by the Board of Supervisors or its designee. Income eligibility of prospective tenants or buyers shall be determined by the County Department of Housing and Community Development.
 - 2. Rents for dwelling units constructed pursuant to this paragraph shall be affordable by lower income families as defined by the Board of Supervisors or its designee. Maximum rents shall be defined in a contractual agreement between the owner and the Housing Authority of the County of San Diego. Such contractual agreement shall be recorded, shall run with the land, and shall be binding on future owners for such period as designated in the contract.
 - 3. The approving authority finds after considering a recommendation by the Director of Housing and Community Development, that
 - i. The increased density is commensurate with the social benefit received in terms of the affordability of the rents and increased supply of affordable housing, and
 - ii. The project does not create an undue concentration of lower income households.
- f. Farm Employee Housing. Housing for four or fewer farm employees and their families may be approved by Administrative Permit pursuant to Section 6156.u, as follows:
 - 1. Parcels four acres or less in size: A total of two dwelling units (including the primary dwelling, if any) is permitted on the parcel.
 - 2. Parcels greater than four acres: A total of three dwelling units (including the primary dwelling, if any) is permitted on the parcel.

4120

(Dwelling unit is defined in Section 1110. A dwelling unit has only one kitchen.)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5676 (N.S.) adopted 12-19-79)
(Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 6029 (N.S.) adopted 4-22-81)
(Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)
(Amended by Ord. No. 6479 (N.S.) adopted 12-01-82)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6634 (N.S.) adopted 08-03-83)
(Amended by Ord. No. 7319 (N.S.) adopted 06-10-87)
(Amended by Ord. No. 7525 (N.S.) adopted 09-07-88)
(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)
(Amended by Ord. No. 9020 (N.S.) adopted 04-14-99)

4125 COMPUTATION OF MINIMUM NUMBER OF DWELLING UNITS.

The minimum number of dwelling units required within the exterior boundary lines of any subdivision, or a single lot shall be equal to the product of the total of the net lot area of such subdivision, or lot expressed in acres multiplied by the applicable minimum density designator, if any. A product with any fraction of a dwelling unit shall be rounded up to the nearest whole number of dwelling units.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 4116)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

LOT AREA REGULATIONS

4200 TITLE AND PURPOSE.

The provisions of Section 4200 through 4299, inclusive, shall be known as Lot Area Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

4205 LOT AREA DESIGNATOR NOTATION.

Minimum lot area shall be indicated directly with square feet expressed in thousands, e.g., "6000" and "10,000" indicating 6,000 and 10,000 square feet respectively. Minimum lot area may be expressed as acres, e.g. 1 ac. and 1.5 ac. A dash ("-") shall indicate that there is no minimum lot area.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit. The adopted San Diego County General Plan shall serve to guide the specification of minimum lot area.
- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

4215 MINIMUM LOT AREA TO BE MAINTAINED

No portion of the required area of any lot or building site shall be used or considered as part of the required area for any other lot or building site. No lot or building site shall be reduced in size so that the area thereof is less than the minimum prescribed by an applicable lot area designator except when such reduction results from partial acquisition for public use. No existing lot or building site which has an area less than the minimum required lot area shall be reduced in area, except when such reduction results from partial acquisition for public use.

(Amended by Ord. No. 6855 adopted on 10-10-84)

4220 MINIMUM LOT AREA REQUIREMENTS MET.

Any lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and
- b. It is not the result of a division of land in violation of any state law or county ordinance.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, except as required in the S87 Use Regulations the required minimum area shall include the area to the centerline of adjacent streets and access easements and provided further that a lot or building site may have an area less than the Development Regulations require in the S87 Use Regulations, provided that one of the following requirements is satisfied:

- a. Said lot or building site is created pursuant to a use permit specifying such lesser area or issued for the purpose of authorizing such lesser area, provided that such lot or building site shall in no event have an area less than six thousand (6,000) square feet.
- b. All requirements of Section 4220 of this Ordinance are met.
- c. Said lot or building site is shown on an approved final subdivision map, or on a tentative subdivision map which has been approved or filed for approval, all prior to December 1, 1969; provided that after December 31, 1971:
 1. Said lot or building site exists as an entire lot, or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sale is in full force and effect.
 2. It is not the result of a division of land in violation of any State law or County ordinance.

- d. Said lot or building site is shown on an approved division of land plat or on a division of land plat filed for approval prior to December, 1969; provided that after December 31, 1971:
 - 1. Said lot or building site exists as an entire lot or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sales is in full force and effect.
 - 2. It is not the result of a division of land in violation of any State law or County ordinance.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

4222 LOT AREA REQUIRED WHERE PORTION TAKEN FOR PUBLIC USE.

If a portion of a legally existing lot or building site in any zone is acquired for public use in any manner including dedication, condemnation or purchase, the remainder of such lot or building site shall be considered as having the required lot area provided:

- a. After all applicable front and side yard setback requirements are met, the remainder of such lot or building site contains a rectangular space at least 30 feet by 40 feet in area which is usable for a main building; and
- b. The remainder of such lot or building site has an area of at least 1/2 of that required by an applicable lot area designator except that, in zones requiring a lot area of 1/2 acre or more, a lot area of not less than 6,000 square feet shall be required; and
- c. The remainder of such lot or building site has access to a street. Where the remainder of such lot or building site shall be considered as having the required minimum lot area as herein provided, the rear yard setback required for such remainder shall be 1/2 of the aforesaid applicable rear yard setback requirement.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Section 4223, REDUCED LOT AREA FOR MINOR SUBDIVISIONS, repealed by Ord. No. 7935 (N.S.) adopted 6-19-91), originally Added by Ord. No. 6654 (N.S.) adopted 9-21-83, then Amended by Ord. No. 6855 (N.S.) adopted 10-10-84, then further Amended by Ord. No. 7740 (N.S.) adopted 3-28-90.)

4224

4224 REDUCED LOT AREA FOR PUBLIC AND UTILITY BUILDINGS.

Where a lot or building site is devoted exclusively to public buildings and uses owned by a county, city or other political subdivision or to public utility buildings and uses, a Minor Use Permit may be issued authorizing a reduction in the minimum required lot area for such lot or building. No living units shall be permitted on such lot or parcel except to house Fire Protection Service personnel and related equipment.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 9268 (N.S.) adopted 11-15-00)

4230 LOT AREA AVERAGING.

Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

a. Purpose and Intent

The purpose of lot area averaging is to allow flexibility in lot size, taking topography into account so as to minimize grading and preserve steep natural slopes and environmental resources. The intent is that the lots shall relate to the topography, with larger lots or open space to be located in steep areas or in other environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, density, and if applicable, proposed building coverage;

- ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties conform to at least the minimum lot size required by the applicable lot area designator, unless such adjoining area is to be reserved for open space for preservation of steep natural slopes or environmental resources;
 - iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
2. That the use and development of the property complies with all conditions that may be imposed by such permit.
 3. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
 4. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, or archeological or historical resources only, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
 5. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
 (Amended by Ord. No. 7320 (N.S.) adopted 6-10-87)

BUILDING TYPE REGULATIONS

4300 TITLE AND PURPOSE.

The provisions of Section 4300 through 4399, inclusive, shall be known as the Building Type Regulations. The purpose of these provisions is to allow flexibility within the development regulations to identify structural types and sizes most appropriate to the various geographic settings and special local policies of San Diego County.

4305 BUILDING TYPE DESIGNATOR NOTATION.

Building type shall be indicated by a capital letter corresponding to one row of the Building Type Schedule at Section 4310 specifying the permitted building types. A dash ("-") shall indicate that none of the building types specified in Section 4310 are permitted.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4310 BUILDING TYPE SCHEDULE.

- a. Residential. Buildings containing only residential principal uses shall be permitted according to those columns of the Building Type Schedule pertaining to "Permitted Residential Building Types".
- b. Mixed. Buildings containing both residential and nonresidential principal uses shall be permitted according to those columns of the Building Type Schedule pertaining to "Permitted Mixed Residential and Nonresidential Building Types". The number of dwelling units shall not be greater than permitted by the same building designator for residential buildings.
- c. Nonresidential. Buildings containing only nonresidential principal uses shall be permitted according to those columns of the Building Type Schedule pertaining to "Permitted Nonresidential Building Types".
- d. Designator A. In zones subject to the "A" Building Designator, no buildings are permitted except those exempt from the Building Type Schedule pursuant to Section 4315.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

4310

(SCHEDULED A - BUILDING TYPE SCHEDULE)

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

4315 EXCEPTIONS TO BUILDING TYPE SCHEDULE.

The following are exempt from provisions of Sections 4310; Building Type Schedule:

- a. Civic Use Types.
- b. Any use or structure for which a use permit is granted.
- c. Accessory Structures.
- d. Temporary structures erected pursuant to the Temporary Use Regulations.
- e. Secondary Uses.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

MAXIMUM FLOOR AREA REGULATIONS**4400 TITLE AND PURPOSE.**

The provisions of Section 4400 through Section 4499, inclusive, shall be known as the Maximum Floor Area Regulations. The purpose of these provisions is to limit the total floor area of individual buildings in order to assure compatibility of scale between buildings on the same building site and between buildings on different building sites within the same zone.

4405 MAXIMUM FLOOR AREA DESIGNATOR NOTATION.

Maximum floor area permitted per building shall be indicated by an Arabic numeral, with square feet expressed in thousands, e.g., "2" and "4" indicating "2,000" and "4,000" square feet, respectively; and hundreds expressed as a decimal fraction, e.g., "2.5" and "4.2" indicating 2,500 and 4,200 square feet, respectively. A dash ("-") shall indicate that permitted floor area is not regulated except as may otherwise be limited by required setbacks and height restrictions.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4410 MAXIMUM FLOOR AREA DESIGNATORS PERMITTED.

Maximum floor area designators shall be established to limit the floor area of individual buildings and any such floor area may be specified within the Development Regulations.

FLOOR-AREA RATIO REGULATIONS

4500 TITLE AND PURPOSE.

The provisions of Section 4500 through Section 4599, inclusive, shall be known as the Floor-Area Ratio Regulations. The purpose of these provisions is to allow flexibility within the Development Regulations to identify structural sizes most appropriate to the various geographic settings and special local policies of San Diego County by establishing the maximum floor-area ratio to which structures may be constructed.

4502 APPLICABILITY OF FLOOR-AREA RATIO.

The floor-area ratio shall incorporate all buildings on the lot or building site.

4505 FLOOR-AREA RATIO DESIGNATOR NOTATION.

Floor-area ratio shall be indicated by an Arabic numeral indicating the actual maximum permitted floor-area ratio. A dash ("-") shall indicate that floor-area ratio is not regulated except as may otherwise be limited by required setbacks and height restrictions.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4510 FLOOR-AREA RATIO PERMITTED.

Floor-area ratios shall be established to regulate the scale of development and any such ratio may be specified within the Development Regulations.

HEIGHT REGULATIONS**4600 TITLE AND PURPOSE**

The provisions of Section 4600 through Section 4699, inclusive, shall be known as the Height Regulations. The purpose of these provisions is to establish the maximum height of buildings and other structures within zones.

4605 HEIGHT DESIGNATOR NOTATION

Height shall be indicated by a capital letter corresponding to one row of the Height Schedule at Section 4610 specifying the maximum permitted height of buildings and other structures measured in feet and numbers of stories. A dash ("-") shall indicate that there is no height limit, and may be used only where a dash has been used for the Building Type designator.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4610 HEIGHT SCHEDULE

Height designators used for the Development Regulations shall be limited to those in the following Schedule B:

**SCHEDULE B
HEIGHT SCHEDULE**

DESIGNATOR	(Feet)	MAXIMUM HEIGHT OF STORIES	MAXIMUM NUMBER
A		15	1
B		20	2
C		25	2
D		25	3
E		30	2
F		30	3
G		35	2
H		35	3
I		35	4
J		40	3
K		40	4
L		45	4
M		45	(a)
N		50	(a)
O		55	(a)
P		60	4
Q		60	(a)
R		(b)	(a)

Notes:

- (a) Any number of stories is permitted, provided all building code requirements and floor-area ratio limitations are met.
- (b) Greater than 60 feet. Any height in excess of 60 feet requires a Major Use Permit.

4615 ADDITIONAL STORY PERMITTED.

This section shall not apply to through lots or corner lots.

Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator.

Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.

The following structures shall be exempt from the maximum height provisions of an applicable height designator:

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, water tanks, barns, and all other structures not containing residential use types located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.

- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a major use permit is granted pursuant to other provisions of this ordinance, when the major use permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services use.
- i. Solar energy collection equipment extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)

(Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

- a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.

- b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, water tanks, barns, and all other structures greater than 50 feet in height not containing residential use types located in agricultural zones or S92 Use Regulations; grain elevators silos, and water tanks not located in agricultural zones or S92 Use Regulations.
- f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.
- h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- i. Solar energy collection equipment.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)

(Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)

4630

4630 HEIGHT OF FENCES.

The height of fences shall be regulated by the Fencing and Landscaping Regulations commencing at Section 6700.

4631 HEIGHT OF GUARD RAILINGS.

The height of guard railings for safety protection around depressed ramps, openwork fences, hedges or landscape architectural features shall be regulated by the Setback Regulations at Section 4835.

COVERAGE REGULATIONS

4700 TITLE AND PURPOSE.

The provisions of Section 4700 through Section 4799, inclusive, shall be known as the Coverage Regulations. The purpose of these provisions is to establish the maximum lot area which may be covered by buildings.

4705 COVERAGE DESIGNATOR NOTATION.

Coverage shall be indicated by either or both of the following, of which the most restrictive applies:

1. An Arabic numeral specifying as a decimal fraction the actual maximum portion of a lot or building site which may be covered by all buildings located on such lot or building site.
2. An Arabic numeral specifying as a whole number the actual maximum area in square feet which may be covered by all buildings located on such lot or building site.

A dash ("-") shall indicate that maximum coverage of the lot or building site, in either square feet or portion of the lot, is not regulated except as may otherwise be limited by required setbacks.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4710 COVERAGE SPECIFICATION.

Maximum lot coverage shall be established to regulate the intensity of development and any such coverage may be specified by the Development Designator.

SETBACK REGULATIONS**4800 TITLE AND PURPOSE.**

The provisions of Section 4800 through Section 4899, inclusive, shall be known as the Setback Regulations. The purpose of these provisions is to establish minimum front, side, and rear yard setback requirements for all buildings and other structures within San Diego County in order to assure light, air, privacy, and open areas appropriate to the use, location, and impact of uses and structures.

4805 SETBACK DESIGNATOR NOTATION.

Setbacks shall be indicated by a capital letter corresponding to one row of the Setback Schedule at Section 4810 specifying the minimum dimensions of the front, side, and rear yard setbacks. A dash ("-") shall indicate that there are no setbacks required for the property, and may be used only where a dash has been used for the Building Type designator.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4810 SETBACK SCHEDULE.

Setback designators used within the development unit shall be limited to those in the following Schedule C:

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

SCHEDULE C - SETBACK SCHEDULE*Part of Section 4810*

DESIGNATOR	FRONT YARD (a)				SIDE YARDS		REAR YARD
	Abutting public street or private thoroughfare except those subject to Note (d). (Measured from Centerline)				Interior <i>Setback measured from lot line</i>	Exterior (s) <i>Setback measured from centerline</i>	<i>Setback measured from lot line (e)</i>
	Standard Setback	Setbacks for certain Major Subdivisions recorded after January 1, 1966 (c)					
		Street Width (Feet)					
		50	52	56			
A	100	100	100	100	15	35	50
B	60	60	60	60	15	35	50
C	60	60	60	60	15	35	25
D	60 (f)	60 (f)	60 (f)	60 (f)	15 (g)	35	25
E	60	60	60	60	0 (h)	35 (i)	15
F	60	60	60	60	(j)	35	25
G	50	45	46	48	10	35	40
H	50	45	46	48	10	35	25
I	50	45	46	48	7 1/2	35	25
J	50	45	46	48	5	35	25
K	50	45	46	48	5 (k)	35	25
L	50	45	46	48	5 (l)	35	25
M	50	50	50	50	5 (l)	35	25
N	50 (t)	45	46	48	5	35	25
O	50	50	50	50	0 (h)	35	25 (m)
P	50	50	50	50	0 (n)	35	15 (o)
Q	50	50	50	50	0 (h)	35	15
R	(p)	(p)	(p)	(p)	0 (h)	35	15
S	30 (q)	25	26	28	(j)	35	15
T	30 (q)	25	26	28	0	35	15
U	30 (q)	25	26	28	0 (r)	35	0 (r)
V	Setbacks to be established during planned development, use permit or site plan review procedure.						
W (v)	60	60	60	60	25 (v)	35	25

Note: (b) not used.

(Amended by Ordinance No. 5508 (N.S.) adopted May 16, 1979.)

(Amended by Ordinance No. 6654 (N.S.) adopted September 21, 1983.)

(Amended by Ordinance No. 7110 (N.S.) adopted April 2, 1986.)

(Amended by Ordinance No. 8185 (N.S.) adopted December 16, 1992.)

SETBACK SCHEDULE FOOTNOTES

- a. Any front yard setback requirement shall be deemed to be met when the front yard setback provided at least equals the average of that established by existing buildings which occupy 50 percent or more of the lots which are:
 - 1. Within the same zone;
 - 2. On the same side of the street; and
 - 3. Within the same block or within 300 feet in either direction from the subject property, whichever distance is lesser.
- b. Not used.
- c. Applicable only to lots shown on a final map of subdivision recorded after January 1, 1966, abutting street rights-of-way 50, 52, or 56 feet in width.
- d. This provision applies only to those lots which front on a private street or easement which is less than 40 feet in width. The front yard setback required shall be 40 feet from the centerline of said street or easement. For lots fronting on the terminal end of said street or easement the 40 feet shall be measured from a point on the centerline of said street or easement at a distance of 20 feet in front of the intersection of said centerline and the front lot line.
- e. Where a rear yard opens onto an alley, public park, or other permanent open space, 1/2 of the width of such alley, public park, or other permanent open space, may be considered as applying to the rear yard setback to the extent of not more than 50 percent of the required rear yard setback.
- f. For any legal lot or building site less than 1/2 acre in area, the minimum front yard setback shall be 50 feet from the centerline. No main building shall be located closer than 20 feet from the front lot line.

- g. For any legal lot or building site less than 1/2 acre in area, the requirement for each interior side yard shall be reduced to 10 feet. For any such lot or building site less than 10,000 square feet in area, such requirement shall be reduced to 7-1/2 feet. For any such lot or site less than 7,500 feet in area, such requirement shall be reduced to 5 feet.
- h. Five feet if lot line abuts property in a residential zone.
- i. Exterior side yards shall be at least 5 feet in width measured from the property line.
- j. The combined width of the side yards shall be 15 percent of the lot width, provided that no individual side yard shall be less than 5 feet in width nor required to be more than 20 feet in width, except that an exterior side yard shall have a setback no less than that specified in the Setback Schedule.
- k. Each side yard shall be increased by 2-1/2 feet for each dwelling unit in excess of 2, but in no case need such side yard exceed 10 feet in width.
- l. An additional one foot for each side yard is required for each story above the second.
- m. Fifteen feet if lot or building site is used exclusively for buildings with commercial principal uses or buildings with commercial principal uses with one or more dwellings on the second story.
- n. Five feet for lots with residential principal uses or whose lot lines abut property in a residential zone.
- o. Twenty-five feet from lots with residential principal uses, except that lots with the RR. 5 Use Regulations in, or contiguous to, the Campo Del Dios subdivision (Map Nos. 1819, 1832, 1841, 1901, 1954, 2029) shall not be subject to this restriction.
- p. Equal to setback requirement of abutting property that is nearest main building.
- q. If designator applies to a commercial or manufacturing/industrial zone and property fronts on a street where 50 percent or more of the total frontage between two intersecting streets is in one or more residential zones, the front yard setback requirement shall be equal to that of the most stringent residential zone fronting the street.

- r. Yards abutting property in another zone shall have setbacks equal to those required by that zone.
- s. The exterior side yard setback as measured from the nearest edge of the right-of-way shall not be less than that required for the interior side yard.
- t. Twenty feet in front yard abutting a street 30 feet or less in width.
- u. Windmills, wind-driven water pumps and appurtenant structures required for the function thereof, shall be exempted from the provisions of an applicable setback designator.
- v. The "W" setback designator may be applied only to property having use regulations requiring a minimum lot size of 2 acres or greater. Where applied, the interior side yard setback shall be 15 feet for:
 - 1) any legal lot less than 2 acres in area;
 - 2) any legal lot developed with a structure used or intended for use as a dwelling prior to the effective date of the ordinance applying the "W" designator to the property in question; or
 - 3) any legal lot less than 3 acres in area, created prior to August 10, 1988, the original date of adoption of the San Diego County Interim Sensitive Lands Ordinance.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
 (Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
 (Amended by Ord. No. 8482 (N.S.) adopted 11-30-94)

4813 SETBACKS ESTABLISHED BY MAJOR USE PERMIT.

When a major use permit for a use or structure is granted, the use permit may authorize an exception to the Setback Regulations and establish other setback and spacing requirements as a condition thereof.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

SUPPLEMENTARY SETBACK REGULATIONS

4815 CENTERLINE ORDINANCE SETBACKS

Notwithstanding the provisions of the setback schedule or any other provisions of the Setback Regulations, no building or other structure will be allowed within the following special setbacks as established by the Centerline Ordinance (Section 51.501 through Section 51.512, inclusive, of the San Diego County Code). These special setbacks shall be measured in feet from the centerline of such roads.

Use Regulations	Road Classification									
	Residential Collector	Light or Rural Light Collection	Industrial or Commercial Cul-de-sac	Industrial or Commercial Road	Collector Highway	Industrial or Commercial Collector	Recreational or Rural Mountain Parkway	Major Highway	Prime Arterial	Expressway
R-R, A-70, A-72, S-80, S-87, S-90, and S-92 with a Lot Size Designator of 1 acre or larger	60	60	66	66	72	74	80	79	91	103
Commercial	N/A	36	36	36	42	44	50	49	61	73
Manufacturing/Industrial	N/A	36	36	36	42	44	50	49	61	73
All Other	50	50	56	56	62	64	70	69	81	93

These requirements may be modified in accordance with the provisions of Section 51.504 of the County Code.

(Amended by Ordinance No. 5508 (N.S.) adopted May 16, 1979)

(Amended by Ordinance No. 5786 (N.S.) adopted June 4, 1980)

(Amended by Ordinance No. 8166 (N.S.) adopted October 21, 1992)

SUPPLEMENTARY SETBACK REGULATIONS

4815 CENTERLINE ORDINANCE SETBACKS.

Notwithstanding the provisions of the setback schedule or any other provisions of the Setback Regulations, no building or other structure will be allowed within the following special setbacks as established by the Centerline Ordinance (Section 51.501 through Section 51.512, inclusive, of the San Diego County Code). These special setbacks shall be measured in feet from the centerline of such roads.

(SUPPLEMENTARY SETBACK REGULATIONS)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Effective 6-15-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80. Effective 7-4-80)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92.

4816 SPECIAL SETBACKS ON SELECTED STREETS.

Notwithstanding the provisions of the setback schedule or the special setbacks established by the Centerline Ordinance, no building or structure shall be allowed closer to the centerline of the street than specified in the following table:

<u>Minimum Setback</u>	<u>Within Which Special</u>	<u>Zone or Use Regulation</u>
<u>Street</u>	<u>From Centerline</u>	<u>Setback Applies</u>
Alvarado Street (north side) in Fallbrook, between Vine Avenue & Brandon Road	50'	All Zones
Alvarado Street in Fallbrook, between Main & Vine Avenues	40'	All Zones
California State Highway 76 (Pala Road), between the south line of Section 17 T10S, R3W, and west line of Section 6, T10S, R2W	100'	All Zones
Campo Road in Casa de Oro, between Rogers Road and State Highway 94 Freeway	75'	Commercial Zones
Citrus Avenue in the Escondido area, between Bear Valley Parkway & State Hwy. 78 (San Pasqual Valley Road)	62'	All Zones
Dehesa Road in Dehesa, between Willow Glen Drive & Harbison Canyon Road	70'	Commercial Zones
East Mission Road in Fallbrook, between Main Avenue & Iowa Street	40'	All Zones
East Vista Way in the Vista area, between Mission Avenue & Barsby Street	70'	Commercial Zones

<u>Minimum Setback</u> <u>Street</u>	<u>Within Which Special</u> <u>From Centerline</u>	<u>Zone or Use Regulation</u> <u>Setback Applies</u>
Greenfield Drive in the El Cajon area, between Bermuda Lane & Madison Avenue	70'	Commercial Zones
La Cresta Road in the El Cajon area, between Greenfield Drive & Valley Rim Road.	70'	Commercial Zones
Lakeshore Drive in Lakeside, between River and Vine Streets	30'	All Zones
Lakeshore Drive in Lakeside, between Channel Road and River Street	40'	All Zones
Laurel Street in Lakeside, between River and Vine Street	30'	All Zones
Los Coches Road in Lakeside, between Julian Avenue & Old Highway 80	62'	All Zones
Lynnwood Drive in Bonita, between Bonita Road & Lynndale Lane	37'	Commercial Zones
Main Avenue in Fallbrook, between East Mission Road & Fig Street	37'	All Zones
Maine Avenue in Lakeside between Mapleview Street & Los Coches Road	30'	All Zones
Monte Vista Road in the Vista area	70'	All Zones
Nutmeg Street in the Escondido area, between U.S. Interstate 15 Freeway & Country Club Drive	70'	Residential Zones
Old Highway 80 (north side) in Lake- side between a point 1500 feet west of Los Coches Road & a point 700 feet easterly of East Lakeview Road.	70'	Commercial Zones

<u>Street</u>	<u>Minimum Setback From Centerline</u>	<u>Zone or Use Regulation Within Which Special Setback Applies</u>
Parkside Street in Lakeside, between River and Vine Streets	30'	All Zones
Parkside Street (north side) in Lakeside, between Channel Road and River Street	40'	All Zones
River Street in Lakeside	40'	All Zones
San Diego County Hwy. Commission Route 8 in Lakeside between Vine Street and Julian Avenue	30'	All Zones
Mission Avenue in the Vista area, between East Vista Way & City of Oceanside	70'	All Zones
State Hwy. 78 (San Pasqual Valley Road) in the Escondido area, between Birch Avenue & Summit Drive	62	Residential Zones
South Santa Fe Avenue in the Vista area, between a point 150 feet north-westerly of Montgomery Drive and a point 450 feet southerly of Palmyra Drive	70'	Commercial & Industrial Zones
Via de la Valle (north side), between Via del Canon and Camino Real	75'	Commercial zone
Vine Street (westerly side) in Lakeside between Maplevue Street & Woodside Avenue	40'	All Zones
Vine Street in Lakeside, between Woodside Avenue & Los Coches Road	30'	All Zones
Vista Avenue in the Escondido area	70'	All Zones
Willow Glen Drive in Dehesa between Dehesa Road & the south line of Section 16, T6S, R1E.	70'	Commercial Zones

4816

Minimum Setback Street	Within Which Special From Centerline	Zone or Use Regulation Setback Applies
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Woodside Avenue in Lakeside, between Vine and River streets	30'	All Zones
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All streets in Pine Hills zoned E1 as of January 1, 1978	50'	All Zones
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Rancho Road and Date Lane in the Campo Del Dios subdivision (Map Nos. 1897, 1841, 1901, 1954, 2029)	40'	RR. 5
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All streets in the Campo Del Dios subdivision (Map Nos. 1819, 1837, 1841, 1901, 1954, 2029) with a 30 foot right-of-way, and the street opening that extends Grape Lane to Del Dios Highway.	25' (30' for garage structures)	RR. 5
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(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8482 (N.S.) adopted 11-30-94)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

4817 FRONT YARD SETBACK WHEN CENTERLINE NOT ADOPTED.

When the centerline of the street fronting a lot or building site has not been officially adopted, the front yard setback shall be measured perpendicularly to the assumed centerline of the street, determined as a point in the street equally distant from each outer edge of the street.

4818 THROUGH LOTS TO HAVE TWO FRONT YARDS.

A through lot shall maintain a front yard adjacent to each street upon which it fronts and to which it has access rights.

4819 RELATION TO BUILDING TYPE REGULATIONS.

Setbacks required by an applicable setback designator shall apply to all buildings except that semi-detached, duplex and attached building types permitted by an applicable building type designator shall not be subject to the interior side yard requirements of such setback designator along those interior side lot lines where buildings are attached.

4821 INTERIOR SIDE YARDS NOT REQUIRED FOR CERTAIN BUILDING SITES.

When the common lot line separating 2 or more contiguous lots is covered by a building or group of buildings, or when 2 or more such lots are used as a single building site, such lots shall constitute a single building site and the interior side yard setbacks required by an applicable setback designator shall then not apply to such common lot line.

4822 REQUIRED FRONT AND REAR YARD FOR LOTS OF SUBSTANDARD DEPTH.

Notwithstanding other provisions of these Setback Regulations, in any zone other than a commercial or manufacturing/industrial zone any lot or parcel which existed prior to December 31, 1969, and which is 90 feet or less in depth shall have the following:

- a. A minimum front yard setback of 40 feet measured from the centerline of the abutting street;
- b. A minimum front yard setback of 20 feet measured from the front lot line; and
- c. A minimum rear yard setback of 15 feet measured from the rear lot line.

4823 FRONT YARD REQUIREMENTS FOR CORNER LOTS HAVING RELINQUISHED ACCESS RIGHTS.

For corner lots where all access rights except for a private easement road have been relinquished to an abutting street, the required front yard setback shall be measured from the street which provides access. That portion of the lot abutting the street where access rights have been relinquished shall observe the required exterior side yard setback.

(Added by Ord. No. 7306 (N.S.) adopted 5-20-87)

4825 YARD REQUIREMENTS INCREASED ON LOTS ABUTTING HALF STREETS.

A building or other structure shall not be erected or maintained on a lot or building site which abuts a street or alley having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot or building site if the street or alley were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot or parcel of land needed to complete the street or alley width, plus the width or depth of the yards required on the lot or parcel of land by an applicable setback designator. This section applies whether this ordinance requires yards or not. The Planning Commission, upon request, shall determine the required street or alley width.

4827 FRONT YARD REQUIREMENTS ON CUL-DE-SACS.

Except where the column of the Setback Schedule headed "Front Yard-Abutting Private Thoroughfare" applies, the front yard setback of any lot or building site at the end of any cul-de-sac shall be measured as follows:

- a. Cul-de-Sac To Be Extended. Where provision has been made for the future extension of said cul-de-sac, then, for the purpose of determining the front yard setback, the centerline of said cul-de-sac shall be deemed to extend through the property reserved for such extension.
- b. Cul-de-Sac Not To Be Extended and Turnaround Space Provided. Where no provision has been made for the future extension of said cul-de-sac, and the terminal portion of said cul-de-sac has been enlarged in such a way that the diameter thereof is greater than the width of the portion of the street adjoining such terminal portion, then, for the purpose of determining the front yard setback, the centerline of such terminal portion shall be deemed to be one of the following depending on the diameter of such terminal portion:
 1. For any cul-de-sac with a terminal portion 80 feet or less in diameter, the point 1/2 of the width of said terminal portion distant from the intersection of said centerline of said cul-de-sac with the end of said cul-de-sac.
 2. For any cul-de-sac with a terminal portion greater than 80 feet in diameter, the line equidistant from and 40 feet within the exterior right-of-way line of such enlarged terminal portion.
- c. Cul-de-Sac Not To Be Extended and Turnaround Space Not Provided. Where no provision has been made for the future extension of said cul-de-sac, and the terminal portion of said cul-de-sac has not been enlarged in the manner described in subsection "b" hereof, then, for the purpose of determining the front yard setback, the centerline of such terminal portion shall be deemed a point on the centerline of such cul-de-sac which point is 1/2 of the width of the cul-de-sac distant from the intersection of said centerline of said cul-de-sac with the end of said cul-de-sac.

4829 YARDS ADJACENT TO SERVICE ROADS.

For any lot or building site abutting a service road or street or outer highway contiguous to a main street or thoroughfare, front yard and exterior side yard setbacks shall be measured from the centerline of the service road or street or highway and not from the centerline of the main street or thoroughfare.

**4830 YARDS ADJACENT TO INTERNATIONAL BORDER WITHIN MOUNTAIN EMPIRE
SUBREGIONAL PLAN AREA**

For any lot or building site located within the boundaries of the Mountain Empire Subregional Plan Area in the vicinity of the International Border, the applicable yard requirements shall be adjusted to provide 90 feet of open space northerly of the Public Reserve Boundary. This 90 feet of open space paralleling the International Border is intended to function along with the 60-foot wide Public Reserve Area as a view corridor and emergency access corridor to facilitate law enforcement and fire protection. The provisions of this section may be waived or modified through the Administrative Permit Procedure commencing at Section 7050 in cases where a hardship will be considered to exist if the remaining property (excluding the 90-foot wide Border setback) meets any of the following criteria:

1. Is less than 4,500 square feet in area;
2. is less than 45 feet deep;
3. has an average slope over 25%;
4. has unique characteristics which would render it unusable, such as rock outcroppings, drainage swales, or conflicting easements of record.

Such waivers of the Border setback as provided for herein shall not include waiver of setbacks otherwise required by zoning.

All requests for waiver or modification of the 90 foot Border setback will be referred to the local office of the Immigration and Naturalization Service (INS) subject to Section 7060(e).

(Added by Ord. No. 7246 (N.S.) adopted 12-10-86)

4832 FORMULA FOR MODIFYING YARD REQUIREMENT.

The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required front, side and rear yard setbacks in all zones where geometric shape and dimensions and topography are such as to make the literal application of such required yard setbacks impractical. After the adoption of such formula or standard practices and the approval thereof by the Board of Supervisors, they shall be applied as an administrative act.

4835 EXCEPTIONS TO REQUIRED OPENNESS OF REQUIRED YARDS.

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures and projections allowed in such yard by the following table. Any building, structure or projection not specifically allowed in a required yard by the following table is prohibited. These restrictions shall not apply to buildings, structures or projections located in yards or portions thereof which are not required by an applicable setback designator or by other provisions of these Setback Regulations.

(Provisions of the Uniform Building Code may be more restrictive and detached accessory buildings shall observe setbacks prescribed by Section 4842.)

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
1. Accessory buildings except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space (f).	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot or the front 50 feet of the required yard measured along the side lot line, whichever restriction is less.	Not permitted.	Permitted in agricultural, residential S87 and S92 use regulations but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of required yard. Not permitted in the exterior half or exterior 75 feet of required yard, measured along the rear lot line, whichever restriction is less.
2. Outdoor swimming pools (a).	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot nor the front 50 feet of the required yard measured along the side lot line.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of the required yard and must be set back from the rear lot line a distance equal to the required interior side yard.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
3. Private garages and carports (f).	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot or the front 50 feet of the required yard measured along the side lot line.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard. Not permitted in exterior half or exterior 75 feet of the required yard, measured along the rear lot line, whichever restriction is less.
4. Living units including guest house.	-----	-----	Not permitted.	-----	-----
5. Stands	Permitted where stands are allowed by Section 6156.	-----	Not permitted.	-----	-----

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
6. Fences	Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700.				
7. Outdoor area lighting on poles.	Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324.				
8. Roofed, open sided patios which are attached and part of main building. (b)	Tennis court lighting permitted pursuant to regulations in Sections 6324 and 6708.				
	-----Not permitted.----- Permitted in all zones but may not cover more than 50 percent of the required yard in combination with				
	all detached accessory buildings and must be set back from the rear lot lot line a distance equal to the required interior side yard. The sides of such patios may be enclosed with solid walls not more than 30 inches in height above the patio floor, or by insect screening.				
9. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.	Permitted by ----- Minor Use Permit.	-----Not permitted.-----			

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
10. Uncovered, unenclosed balconies, extending above the level of first floor of building (e).	-----	-----	Not permitted.	-----	-----
11. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor of building and not more than 30 inches above grade (e).	-----	Permitted in all zones not that 50 percent of the required yard in combination with all detached accessory buildings and must be set back from the rear lot line a distance equal to the required interior side yard.	-----	Permitted in all zones but may cover more	
12. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.	-----	-----	Permitted in all zones but may not extend more than 2 feet into yard----		
13. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.	Not permitted.	Permitted in all zones but may not extend or project more than 3 feet into the required yard.			

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
14. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor.	Permitted in all zones but may not extend more than 2 feet into required yard.	Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard.	Permitted in all zones but may not extend more than 2 feet into required yard.		
15. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.	-----	Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath.			
16. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.	-----	Permitted in all zones but may not be more than 42 inches in height			

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
17. Animal containments including pens, coops, hutch, stables barns and corrals.	-----See Animal Regulations commencing at Section 3100-----				
18. Trees, shrubs, and flowers.	-----Permitted in all Zones -----				

Footnotes:

- (a) If an outdoor swimming pool is the only structure on a lot or building site, it shall conform to all of the setback regulations applicable to the main building on such lot. Buildings containing indoor swimming pools shall be subject to all of the setback regulations applicable to main buildings.
- (b) Where a roofed patio is permitted, the sides of such patio may be enclosed with solid walls not more than 30 inches in height above the patio floor or by insect screening.
- (c) Provisions of the Uniform Building Code may be more restrictive than the above.
- (d) Detached accessory buildings shall observe setbacks prescribed by Section 4842.
- (e) For purposes of applying this section "first floor" shall mean the floor of the lowest story, including any basement having exterior access.
- (f) Large residential accessory buildings as described in Section 6156(g.2.) shall comply with the setback required by that subsection.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79) (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
(Amended by Ord. No. 5933 (N.S.) adopted 11-19-80) (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83) (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84) (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

4837 PRIVATE GARAGE PERMITTED IN REQUIRED FRONT YARD SUBJECT TO REGULATIONS.

Notwithstanding the requirements of Section 4835 referring to the permitted intrusion of private garages into required front yards, because of slope, a private garage accessory to a dwelling, may intrude into the front yard if it meets the following conditions, is not built closer than ten feet from any rear or side lot line; and the proposed garage location is the only practical one for the garage:

If the half of a lot that abuts a street from which garage access is taken has a slope of greater than one foot rise or fall over a seven foot distance or the slope is such that this half of the lot is more than four feet above or below the established street elevation, the garage may be built to within ten feet of the front lot line.

The garage may be built to the front lot line if the slope of the lot meets the same requirements mentioned above and the Director finds that it would not be a hazard to pedestrian or vehicular traffic.

This Section 4837 is not intended to allow a garage to be located within the front yard setback if it replaces a pre-existing garage that has been converted, or is proposed to be converted, to another use nor to allow a second garage on property where there is an existing garage.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4838 WATER TANK FOR FIRE PROTECTION PERMITTED IN REQUIRED YARDS SUBJECT TO REGULATIONS.

Notwithstanding the requirements of Section 4835 referring to permitted location of accessory structures within required yards, a water storage tank for fire protection may encroach into required yards if it meets all the following criteria:

1. Is required by the County Fire Marshall or Fire District serving the property;
2. Is not built closer than 10 feet from any streetline and 3 feet from any other property line;
3. Does not exceed 14 feet in height and 12 feet in diameter; and
4. Is the only practical location which would assure gravity flow to the serving fire hydrant(s) or standpipe(s).

These watertanks may encroach closer to streetlines and/or property lines than specified above, provided the Director finds that the encroachment would not be detrimental to adjacent properties and/or vehicular or pedestrian traffic.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

4840 REQUIRED DISTANCE BETWEEN DETACHED MAIN BUILDINGS.

No main building 2 stories or less in height shall be closer than 10 feet to any other main building to which it is not attached on the same lot or building site, and no main building exceeding 2 stories in height shall be closer than 15 feet to any other main building to which it is not attached on the same lot or building site.

4841 REQUIRED DISTANCE BETWEEN DETACHED ACCESSORY BUILDINGS AND MAIN BUILDINGS.

No detached accessory building walls shall be closer than 6 feet to any main building walls or other accessory building walls on the same lot or building site and no detached accessory building eaves shall be closer than 4 feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

Exceptions to this section are:

1. More restrictive separation may be required by the Animal Enclosure Setbacks in Section 311.2
2. There is no prescribed separation between chicken coops.
3. Swimming pools which do not extend more than 3 feet above the ground adjacent thereto.

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

4842 SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES.

No detached accessory building exceeding 120 square feet shall be located with walls closer than 3 feet or eaves closer than 2 feet from interior side or rear property lines except where abutting a thoroughfare or open space easement in which case they may extend to the property line.

(Added by Ord. No. 6761 (N.S.) adopted 4-25-84)

USABLE OPEN SPACE REGULATIONS

4900 TITLE AND PURPOSE.

The provisions of Section 4900 through Section 4999, inclusive, shall be known as the Usable Open Space Regulations. The purpose of these provisions is to promote the availability of outdoor areas for leisure and recreation throughout San Diego County by establishing requirements for minimum areas of usable open space for residential developments with three or more dwelling units per lot or building site.

4905 USABLE OPEN SPACE DESIGNATOR NOTATION.

Usable open space shall be indicated by a capital letter corresponding to one row of the Usable Open Space Schedule at Section 4910 specifying the minimum square feet of private and group usable open space for each dwelling unit in a residential development with three or more dwelling units per lot or building site. A dash ("-") shall indicate that there is no useable open space requirement.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4910 USABLE OPEN SPACE DESIGNATORS SCHEDULE.

Usable open space designators used within the development unit shall be limited to those in the following Schedule D:

**SCHEDULE D
USABLE OPEN SPACE SCHEDULE**

**USABLE OPEN SPACE PER
DWELLING UNIT
(square feet)**

<u>DESIGNATOR</u>	<u>PRIVATE</u>	<u>GROUP</u>
A	0	0
B	0	150
C	0	500
D	0	800
E	100	0
F	100	150
G	100	500
H	100	800
I	350	0
J	350	150
K	350	500
L	350	800
M	600	0
N	600	150
O	600	500
P	600	800

4915 PRIVATE USABLE OPEN SPACE STANDARDS.

The purpose of these provisions is to prescribe standards for the development and maintenance of open areas, each of which is provided for the exclusive use of the occupants of one dwelling unit and which is intended to serve the needs of said occupants for a private, outdoor space available for recreation and leisure activities. Each private usable open space shall conform to the following standards:

- a. **Surfacing.** A surface shall be provided which allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed 10 percent. Off-street parking and loading areas, driveways and service areas shall not be counted as usable open space. Adequate guard railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than 4 feet high and shall conform to the requirements of any applicable height designator.
- b. **Location.** The space may be located anywhere on the same lot as the dwelling unit it serves, except that above-ground-level space shall not be located within 5 feet of an interior side lot line. All spaces shall be adjacent to and not more than 15 feet above or below the floor level of the dwelling unit served.
- c. **Size and Shape.** An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than 10 feet. An area of above-ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than 5 feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
- d. **Accessibility.** The space shall be accessible to only one dwelling unit.
- e. **Openness.** There shall be no fixed, immovable obstructions over ground-level space except for devices to enhance its usability, such as sun shades, patio covers and awnings, and except that not more than 50 percent of the space may be covered by a private balcony projecting from a higher story. Above ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for 8 feet above its floor level.
- f. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways, and from

other open space areas on the same lot by a building wall, by dense landscaping not less than 5 feet high and not less than 3 feet wide, or by a solid or grille lumber or masonry fence or wall not less than 5 feet high, subject to the requirements of the Fencing and Landscaping Regulations commencing at Section 6700. However, when such screening would impair a beneficial outward and open orientation of view, with no building located opposite and within 50 feet from such required screening, as measured perpendicularly therefrom a horizontal plane, the above-prescribed height may be reduced to 3 feet.

- g. **Maintenance.** All required private usable open space shall be permanently maintained.

4917 GROUP USABLE OPEN SPACE STANDARDS.

The purpose of these provisions is to prescribe standards for the development and maintenance of open areas provided for the use of the occupants of dwelling units and intended to serve their needs for outdoor open space available for group recreation and leisure activities. The design of all group usable open space must be suitable for such group uses and shall conform to the following standards:

- a. **Surfacing.** A surface shall be provided which allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dustfree surfacing. Slope shall not exceed 10 percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate guard railings or other protective devices shall be erected wherever necessary for space on a roof, but shall not be more than 4 feet high and shall conform to the requirements of any applicable height designator.
- b. **Location.** The space may be located anywhere on the same lot as the dwelling units it serves, within 20 feet of the nearest dwelling unit served, except that not more than 20 percent of the required area may be located on the roof of any building other than an attached garage or carport.
- c. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than 15 feet. Narrow strips of open space, such as landscaped strips, adjoining but projecting away from such a rectangle shall not be counted toward the usable open space requirement. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
- d. **Accessibility.** The space shall be accessible to all the dwelling units on the lot or building site.

- e. Openness. There shall be no fixed, immovable obstructions above the space except for devices to enhance its usability, such as sun shades, patio covers, and awnings.
- f. Screening. Ground-level space shall be screened from abutting lots, wall, by dense landscaping not less than 3 feet high and not less than 3 feet wide, or by a solid or grille lumber or masonry fence or wall not less than 3 feet high, subject to the requirements of the Fencing and Landscaping Regulations commencing at Section 6700.
- g. Maintenance. All required group usable open space shall be permanently maintained.

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

4920 LOCATION OF USABLE OPEN SPACE.

Usable open space areas shall not be located in any required front or exterior side yard.